

**STATE OF MAINE
BUREAU OF INSURANCE**

Docket No. INS-07-225

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Virginia Smith, a resident of Iowa; the Maine Superintendent and Bureau of Insurance; and the Maine Department of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, issues implicating Title 24-A M.R.S.A. §1417(1) and §1420-K(1)(A).

STATEMENT OF FACTS

1. The Superintendent of Insurance is the official charged with administering and enforcing Maine's insurance laws and regulations, and the Bureau of Insurance is the administrative agency with such jurisdiction.
2. Virginia Smith has been licensed in Maine as a nonresident insurance producer since December 6, 2006.
3. When Ms. Smith applied for a Maine Nonresident Producer License, she answered "No" to the background question on the application form electronically filed in connection with this application regarding whether she had ever been convicted of, or was currently charged with, any crime.
4. The application included Ms. Smith's "Certification and Attestation" under the statement:

"I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."

5. Upon review of the application, and in reliance upon the representations made in it, staff of the Maine Bureau of Insurance routinely approved Ms. Smith's application and issued the producer license.
6. Ms. Smith later made the Bureau aware of a 1997 misdemeanor criminal conviction, by letter dated October 18, 2007 which disclosed a recent administrative action in Iowa for failure to disclose the conviction in her license application in that state.
7. Ms. Smith's October 2007 letter included documentation concerning the conviction, but did not include an explanation for her failure to disclose it in her Maine application for licensing.

CONCLUSIONS OF LAW

8. The application form's disclosure questions specifically require disclosure of criminal matters. Ms. Smith obtained her license based in part upon incorrect, misleading, incomplete or materially untrue information which she provided in her Maine application for nonresident producer licensing, by failing to disclose the above Iowa misdemeanor conviction when she applied, and certifying by her signature that the information was true and complete.
9. The provision of incorrect, misleading, incomplete or materially untrue information in a license application constitutes grounds for denial of the license application, revocation of the license, or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S.A. §1420-K(1)(A).

COVENANTS

10. Virginia Smith, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
11. This Consent Agreement is entered into in accordance with 10 M.R.S.A. § 8003(5)(B) and is not subject to review or appeal. This Consent Agreement is enforceable by an action in the Superior Court.
12. At the time of executing this Consent Agreement, Ms. Smith will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$250.00, payable to the Treasurer of the State of Maine.
13. Ms. Smith will promptly report any matters to the Maine Bureau of Insurance during all times as she is licensed through the Bureau, to the extent such reporting is required under the Maine Insurance Code, and will comply in all other respects with the provisions of the Maine Insurance Code, as applicable.
14. In consideration of the execution of this Consent Agreement, the State of Maine Bureau of Insurance will not pursue further action against Ms. Smith's Nonresident Producer License based upon the facts recited in this Consent Agreement.
15. Ms. Smith understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 MRSA § 402, and will be available for public inspection and copying as provided for by 1 MRSA § 408, and will be reported to the NAIC "RIRS" database.
16. In consideration of the applicant's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance, Bureau of Insurance, and Department of the Attorney General agree to forgo pursuing further disciplinary measures or other civil or administrative sanction for the actions described in this Consent Agreement, other than those agreed to herein. However, should Ms. Smith violate this Consent Agreement, she may be subject to any available legal remedy for the violation, including without limitation the suspension or revocation of all licenses issued under the Maine Insurance Code.
17. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

[EXECUTION PAGE FOLLOWS]

Virginia Smith

Dated: _____, _____

Virginia Smith

State of Iowa, _____, ss

Subscribed and Sworn to before me
this _____ day of _____, 2008.

Notary Public

(printed name)

THE MAINE BUREAU OF INSURANCE

Dated: _____, _____

By Eric A. Cioppa, Acting Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: _____, _____

Assistant Attorney General

(printed name)